IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 30060 of 2005(C)

OS.284/1998 of PRL.SUB COURT,IRINJALAKUDA

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PETITIONER:

K. SATHYAVRITHAN, AGED 41,
S/O. KALLAT RAMAKRISHNAN, THALAVANIKKARA P.O.,
THALORE, MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

THE CATHOLIC SYRIAN BANK LTD.,
OLLUR BRANCH, REPRESENTED BY ITS BRANCH MANAGER,
OLLUR P.O., THRISSUR DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE EP NO.273/02 IN OS NO.284/98 DT.11.9.02 ON THE FILE OF THE SUB COURT, IRINJALAKUDA.

EXT.P2 : TRUE COPY OF THE EA NO.2391/04 IN EP NO.273/02 IN OS NO.284/98 DT.21.2.05.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 30060 OF 2005

Dated this the 30th day of May, 2007

JUDGMENT

An item of property property belonging to the petitioner who owed considerable amount to the respondent-Bank under a decree was sold in execution. The Bank itself purchased the property and the Writ Petition is instituted at the time when the property was ordered to be delivered. While admitting the Writ Petition, this Court granted stay order directing remittance of a sum of Rs.1,50,000/- which was paid by the petitioner. Mr.G.Sreekumar counsel for the petitioner submits that further amounts were also paid and an application has been filed filed by the petitioner seeking one time settlement. There is no serious opposition to the above submissions of Mr.Sreekumar. Under these circumstances, the writ petition itself will stand disposed of issuing the following directions:

The stay currently in force will continue for a period of three more months from today. It is open to the petitioner to sort out the issue with the Bank during the aforesaid period. If any application seeking one time settlement is pending with the Bank, the Bank will take up that application and take a decision on the same and inform the petitioner. The learned Subordinate Judge will adjourn the EP to a date after four

months and if it is reported to the learned Subordinate Judge that the issue has been settled between the parties, the learned Subordinate Judge will not hesitate to set aside the sale.

PIUS C. KURIAKOSE, JUDGE

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